

**NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION**

BENJAMIN ASHENBURG,	)	
	)	
Plaintiff(s),	)	
	)	
v.	)	CAUSE NO. 3:12cv427 JVB
	)	
SOUTH BEND CITY OF, ET AL.,	)	
	)	
Defendant(s).	)	

**ORDER**

In accordance with Rule 16 of the Federal Rules of Civil Procedure, this cause is now set for a **Rule 16 Preliminary Pretrial Conference** before Magistrate Judge Christopher A. Nuechterlein to be held on **November 28, 2012 at 11:00 a.m.** (E.S.T.) in Room 201, Robert A. Grant Courthouse, 204 S. Main Street, South Bend, Indiana. Trial Counsel are required to attend this conference.

**Counsel shall indicate whether their clients are willing to consent to transfer this case to a Magistrate Judge for all purposes, including trial, by either executing and submitting the attached consent form or orally inform the court at the Rule 16 Preliminary Pretrial Conference to consent.**

At the conference, counsel shall be prepared to address the following:

1. A proposed Discovery Plan under Fed. R. Civ. P. 26(f) to be filed no later than **October 25, 2012**. Counsel are directed to the Court's website for a suitable form of report and discovery plan ("Report of the Parties Planning Meeting"). At the conference, the Court will address those topics listed at Fed. R. Civ. P. 16(b) and (c). Failure to timely file the report and proposed discovery plan may result in the imposition of sanctions in accordance with Fed. R. Civ. P. 16(f). At the conference, it is anticipated that the Court will approve or modify the Report of Parties' Planning Meeting.
2. Consideration of the various forms of Alternative Dispute Resolution ("ADR") available<sup>1</sup> to include mediation. If mediation is selected, the parties shall identify the mediator and in the event counsel cannot agree on a mediator, then the Court will make the selection. Counsel may review the list of mediators located on the Court's website at [innd.uscourts.gov](http://innd.uscourts.gov), under *Info/Forms*, prior to the preliminary pretrial conference.

If counsel is outside of St. Joseph County, you may appear telephonically by filing a motion electronically at least **48 hours** before the hearing. Counsel must also file a proposed

<sup>1</sup>The attention of counsel is specifically directed to the Court's ADR Pamphlet (1/96) located at the Court's website.

order. The order should be in Word Perfect or Word format and e-mail to:  
**Nuechterlein\_chambers@innd.uscourts.gov**. If you have any questions, contact our case management deputy, Sharon Macon at 574-246-8100.

**SO ORDERED.**

Dated October 11, 2012.

s/Christopher A. Nuechterlein  
Christopher A. Nuechterlein  
United States Magistrate Judge